

FOLSOM STATE PRISON 4/XI-14
POST OFFICE BOX 950
FOLSOM, CALIFORNIA 95763

C08-1602 JF

FILED

MAY 07 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLERK OF THE COURT
U.S. DISTRICT COURT
450 GOLDEN GATE AVE
SAN FRANCISCO, CA
94102

DEAR OFFICE OF THE CLERK:

INITIALLY, I ADDRESSED YOUR ADDRESS ON 3-20-2008, WITH 60-(b) MOTION., YOU RESPONDED, SENDING ME A STAMPED Informa Pauperis Application WITH SELF ADDRESSED BUSINESS REPLY ENVELOPE

I FILLED THESE FORMS OUT ON 4-2-08, I WAS CALLED TO 5-BUILDING COUNSELOR CENTER: CCI MY ASSIGN COUNSELOR: R. MAHMENDIER, HAD ME SIGN A DOCUMENT AS RECEIVED CERTIFICATE AND TRUST ACCOUNT STATEMENT WE PLACED CERTIFIED CERTIFICATE AND TRUST ACCOUNT STATEMENT INTO THE DISTRICT COURT REPLY ENVELOPE., CCI, R. MAHMENDIER SIGN, DATED, LEFT IN HIS POSSESSION AS MAILED. PER REGULATION, U.S. POSTAGE OUTGOING LEGAL MAIL, WORK UP FRONT, DEPOSITED ANOTHER ENVELOPE IN MAILBOX ADDRESSED: ATTORNEY GENERAL'S OFFICE S.F.

ON APRIL 5, 2008, I WAS PLACED INTO 4-BUILDING Ad-SEG; ON 4-7-08 I RECEIVED A COPY OF CDC-119 OUTGOING LEGAL MAIL-106 AND THEIR WAS NO SHOWING THIS MATERIAL WAS EVER MAILED OR LEFT INSTITUTION I IMMEDIATELY ADDRESSSED 5-BUILDING COUNSELOR CENTER: CCI, R. MAHMENDIER ASKING IF HE COULD LOOK, IS THIS ENVELOPE HAD BEEN MISPLACED... ON 4-17-08 I RECEIVED ANOTHER CDC-119 OUTGOING LEGAL MAIL-106 COPY AND STILL NO SHOWING OR INDICATION THIS MATERIAL WAS EVER MAILED. TO DATE CCI, R. MAHMENDIER HAS FAILED TO RESPOND OR ACKNOWLEDGE THIS MATTER

I ADDRESSSED FOLSOM STATE PRISON APPEALS COORDINATOR OFFICE WITH ADMINISTRATIVE CDC-602 GRIEVANCE AND JUST GOTTEN THE RUN AROUND ENCLOSE COMPLETE COPY OF GRIEVANCE, CURRENTLY I HAVE A PENDING CIVIL CASE IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO, 720 NINTH STREET-ROOM 102 PHONE (916) 874-5522 CASE NO: 34-2008-00009035 TOWARD VARIOUS STAFF HERE AT FOLSOM PRISON: SINCE IVE BEEN PLACED INTO ADMINISTRATIVE SEGREGATION: I HAVE ABSOLUTELY NO PERSONAL PROPERTY OR LEGAL MATERIAL, I JUST RECEIVE A LETTER FROM SACRAMENTO, ITS HOW I NO ITS CASE NUMBER: I DONT EVEN NO THE DOC. NUMBER HERE OTHER THAN THE INITIAL'S (PR) J.F. IVE BEEN STRESSING AWEAR THE

LETTER TO THE CLERK

IMPORTANCE AND STATUTORY TIME LIMITS ON FILING ARE IMPORTANT: MY QUESTION IS IF PRISON OFFICIALS FAIL OR REFUSE TO PROVIDE ASSISTANCE A PRISONER MUST PROVIDE THE COURT

IS THERE SUCH A FORM I CAN SUBMIT AUTHORIZING THE DISCLOSURE OF INFORMATION REQUIRING PRISON OFFICIALS TO SEND A CERTIFIED COPY OF PRISONERS FINANCIAL STATEMENT DIRECTLY TO THE COURT...

I APOLOGIZE FOR ANY INCONVENIENCE I MAY HAVE CAUSED., THANK YOU IN ADVANCE FOR ANY INFORMATION OR ASSISTANCE YOU ARE ABLE TO PROVIDE ME WITH PERTAINING THIS MATTER

ADDRESSED

Robert E Gerkin

DATED: 5/1/2008

TO: Gerkin
NAME

J 79986
CDC#

ISSUE: 3 AREA OF ORIGIN: V-4 REQUESTS: Confirmation of Mailout

PER CCR TITLE 15 SECTION 3084.3, SCREENING APPEALS:

- ☐ 1. The action or decision being appealed is not within the jurisdiction of the department.
☐ Submit your appeal directly to your Parole Region.
- ☐ 2. You have submitted a duplicate appeal containing the same issue.
☐ Your first appeal is currently under review at the _____ level. Log # _____ Due Date: _____
☐ Your first appeal has been completed at the _____ level. Log # _____
☐ Your first appeal was screened-out and returned to you with instructions.
- ☐ 3. Your appeal concerns an anticipated action or decision. ☐ Your CDCR-115 has not been adjudicated yet.
- ☒ 4. You have not attempted to resolve the grievance at the informal level. Obtain an informal response by sending your appeal directly to: Mail room ☐ This is not a Folsom State Prison Issue.
- ☐ 5. The appeal is incomplete or necessary supporting documents are not attached. (If necessary, you may obtain copies of requested documents by sending your request with a signed trust withdrawal form to the Records Office and/or your assigned counselor.)
- | | |
|--|---|
| <input type="checkbox"/> CDCR-115 (Entire Completed 115 including Supplemental Reports.) | <input type="checkbox"/> CDCR-128G ICC / UCC |
| <input type="checkbox"/> CDCR-1858 Rights and Responsibilities Statement | <input type="checkbox"/> CDCR-114D Lock Up Order |
| <input type="checkbox"/> Attach copy of CDCR-1819 (Notice of Disallowed Mail Form) | <input type="checkbox"/> CRCCR128B2 SSU/IGI Gang Validation |
| <input type="checkbox"/> Trust Account Statement Showing Funds Removed From Account | <input type="checkbox"/> CDCR-128G CSR Endorsement |
| <input type="checkbox"/> Purchase Receipt(s) | <input type="checkbox"/> Sign and/or Date Section(s): |
| <input type="checkbox"/> Property Card | |
| <input type="checkbox"/> CDCR-1083 Property Inventory Receipt | |
| <input type="checkbox"/> CDCR-143 Property Transfer Receipt | |
| <input type="checkbox"/> Cell Search Receipt <input type="checkbox"/> Other: | |

☐ 6. 15-Day Time limit for submitting the appeal is exceeded and the appellant had the opportunity to file within the prescribed time constraints.

☐ 7. The appeal is filed on behalf of another inmate or parolee.

☐ 8. Abuse of the Appeal Process:

- ☐ Inappropriate Statements. An appeal containing false information, profanity, or obscene language shall be rejected, per California Code of Regulations, Section 3084.4(b).
- ☐ Excessive Verbiage. Appeal cannot be understood or is obscured by pointless verbiage or voluminous unrelated documentation, per CCR 3084.4(c). Remove excess attachments and attach only one (1) additional written page (front and back).
- ☐ Lack of cooperation. Refusal to interview or cooperate with reviewer shall result in cancellation of the appeal, per CCR 3084.4(d). ☐ Failure to return requested documents.
- ☐ You have not reasonably demonstrated that your appeal issue(s) has adversely affected your welfare, per CCR 3084.1(a)
- ☐ You may only submit one (1) non-emergency appeal within a seven-calendar day period.
- ☐ You are attempting to change your original appeal issue.

☐ 9. Other:

- ☐ Staff complaints shall not be combined with other appeal issues, per administrative bulletin 05/03.
- ☐ You must re-attach all previous CDCR-695 (Screening Forms) relative to this appeal before it can be processed any further.
- ☐ You have more than one issue in your appeal that cannot be addressed by one department. One issue per appeal.
- ☐ You must start appeal in Section A/B then add 1 page if necessary. You cannot write "see attached" in Section A or B.
- ☐ This is a request for information; not an appeal. ☐ You may not request forms/documents through the appeals process.
- Use form GA-22, Inmate Request for Interview: Submit To:
- ☐ If you have questions about your casework, submit a GA-22 (Inmate Request for Interview) directly to your assigned counselor
- ☐ This is a Health Care Service Request. Submit CDCR-7362 Directly to Medical Department.

COMMENTS:

Policy & Procedures not can come from library send a request to library for what ever policy's procedures you need

M.H. Oney, CCH
Appeals Coordinator

PERMANENT ATTACHMENT - DO NOT REMOVE
(rev. 10/23/07)

FSP APPEALS OFFICE

APR 29 2008

INMATE/PAROLEE**APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
ROBERT E GERKIN	J-79986	4B 1d-SEG	4B/A1-14

A. Describe Problem:

I ADDRESSED U.S. DISTRICT COURT ON 3-20-2008 WITH 60-(b) MOTION: DISTRICT COURT RESPONDED SENDING ME SELF ADDRESS BUSINESS ENVELOPE WITH STAMPED INFORMA PAUPER'S APPLICATION. ON 4-2-08 I FILLED FORMS OUT AND CALLED TO 5-BUILDING COUNSELOR CENTER CCI, R. MALMENDIER HAD ME SIGN A DOCUMENT AS RECEIVED CERTIFIED CERTIFICATE AND TRUST ACCOUNT: WE PLACED CERTIFIED CERTIFICATE AND TRUST ACCOUNT STATEMENT INTO DISTRICT COURT REPLY ENVELOPE. CCI, R. MALMENDIER, SIGN 3 DATED; LEFT

If you need more space, attach one additional sheet.

SEE ATTACHMENT

B. Action Requested:

BE DOCUMENTED AND POLICY OR PROCEDURE IN LOCATING THIS MATERIAL

Inmate/Parolee Signature:

Robert E Gerkin

Date Submitted:

4-17-2008

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



4/24/08

APRIL 17, 2008

ROBERT E GERKIN J 79986
Folsom STATE PRISON 4B/41-14
Post Office Box 715071
REPRESA, CALIFORNIA 95671

INMATE/PAROLEE
APPEAL FORM
CDC-602

Attachment

WITH HIS PERSONS., PER REGULATION, U.S. POSTAGE
OUTGOING LEGAL MAIL: ON APRIL 5TH, 2008, I WAS
PLACED INTO 4-Building Ad-SEG: ON 4-7-08 I
RECEIVED A COPY CDC-119 OUTGOING LEGAL MAIL-LOG
AND THERE WAS NO SHOWING THIS MATERIAL WAS EVER
MAILED OR LEFT INSTITUTION. I IMMEDIATELY ADDRESSED
THE 5-Building COUNSELOR CENTER: CCI, R. MALMENDIE
ASKING IF HE COULD LOOK, IF THIS ENVELOPE HAD
BEEN MISPLACED... ON 4-17-08, I RECEIVED ANOTHER
CDC-119 OUTGOING LEGAL MAIL-LOG COPY AND STILL NO
SHOWING OR INDICATION THIS MATERIAL WAS EVER
MAILED OR LEFT INSTITUTION. THE IMPORTANCE OF THIS
MATERIAL AND STATUTORY TIME LIMITS ON FILING THESE
DOCUMENTS ARE IMPORTANT: TO DATE CCI, R. MALMENDIE
HAS FAILED TO RESPOND OR ACKNOWLEDGE THIS
MATTER.

DATED: 4-17-2008

Robert E Gerkin

APPEALS COORDINATOR
OFFICE

DEAR SIR:

PURSUANT TO CALIFORNIA CODE OF REGULATION: TITLE 15, § 3084.5 (A), PLAINTIFF IS REQUIRED ATTEMPT TO RESOLVE A GRIEVANCE INFORMALLY WITH THE EXCEPTIONS OF "ALLEGED MISCONDUCT" by DEPARTMENTAL PEACE OFFICERS (§ 3084.5, (A) § (3) (G).)

I ATTEMPTED TO RESOLVE THIS MATTER: by ADDRESSING 5-BUILDING COUNSELOR CENTER CCI R. MALMENDIER, WITH NO RESPONSE

HE REFUSES TO UNDERSTAND THE SEVERITY OF STATUTORY TIME LIMITS ON FILING COURT DOCUMENTS. I DON'T NO WHAT ELSE TO DO HERE, I'VE HAD COUNTLESS ENCOUNTERS WITH HIM, ALREADY —

ROBERT E GERKIN

DATED: 4/20/2008

DISTRIBUTION:
WHITE - CENTRAL FILE
BLUE - INMATE (2ND COPY)
GREEN - ASU

CANARY - WARDEN
PINK - HEALTH CARE MGR
GOLDENROD - INMATE (1ST COPY)

INMATE'S NAME
GERKIN IPN (NON MHS/SDS/CCCMS)
CDC NUMBER
179986

REASON(S) FOR PLACEMENT (PART A)

- ☒ PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
☐ JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
☒ ENDANGERS INSTITUTION SECURITY ☐ UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

On Saturday, April 5, 2008, you are being placed into Administrative Segregation (Ad-Seg) based on the following: You have been identified via confidential information as a Potential Victim of Assault if you were to remain in the general population at FSP. You will remain in Ad-Seg pending an investigation to be conducted by Correctional Sergeant J. Codorniz. Due to the aforementioned, you are deemed a threat to the safety and security of the institution. You will appear before the Institutional Classification Committee within 10 days for a review of your housing, custody and program needs.

☐ CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL) ☒ IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: 4/15/08

DATE OF ASU PLACEMENT 04/05/08	SEGREGATION AUTHORITY'S PRINTED NAME R. Janzen	SIGNATURE 	TITLE Lieutenant
DATE NOTICE SERVED 4/5/08	TIME SERVED 1230	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE J. CODORNIZ, SGT.	SIGNATURE STAFF'S TITLE SGT.
<input checked="" type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE	CDC NUMBER 579986

ADMINISTRATIVE REVIEW (PART B)

The following to be completed during the initial administrative review by Captain or higher by the first working day following placement

STAFF ASSISTANT (SA)		INVESTIGATIVE EMPLOYEE (IE)	
STAFF ASSISTANT NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
IS THIS INMATE:		EVIDENCE COLLECTION BY IE UNNECESSARY	
LITERATE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
FLUENT IN ENGLISH?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
ABLE TO COMPREHEND ISSUES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/> NOT ASSIGNED		<input type="checkbox"/> NOT ASSIGNED	

Any "NO" requires SA assignment N/A

Any "NO" may require IE assignment

INMATE WAIVERS

☐ INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER ☒ INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
☒ NO WITNESSES REQUESTED BY INMATE INMATE SIGNATURE DATE 4.7.08

WITNESSES REQUESTED FOR HEARING

WITNESS NAME NONE	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER
WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER

DECISION: ☐ RELEASE TO UNIT/FACILITY ☒ RETAIN PENDING ICC REVIEW ☐ DOUBLE CELL ☒ SINGLE CELL PENDING ICC

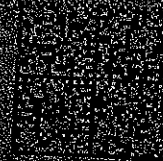
REASON FOR DECISION: Retain pending completion of investigation regarding possible safety concerns. Threat to safety and security of the institution. Single cell pending ICC.

ADMINISTRATIVE REVIEWER'S PRINTED NAME B. Maffei	TITLE FAC Captain	DATE OF REVIEW 4.7.08	TIME 1040	ADMINISTRATIVE REVIEWER'S SIGNATURE
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)		DATE OF REVIEW

119 OUT GOING LEGAL MAIL
FOLSOM STATE PRISON
YEAR 2008

CDC #	I/M NAME	SPECIAL PURPOSE LETTER(S)	DATE
J79986	GERKIN S	NON-LEGAL: EDITOR IN CHIEF, CRIMINAL PROCEDURE PROJECET, GEORGETOWN LAW JOURNAL	1/2/2008
	TRUST W/ORDER	CA VICTIM COMPENSATION & GOV'T CLAIMS BD, POB 3035, SACRAMENTO CA 95812-3035	1/8/2008
	TRUST W/ORDER	SUPERIOR COURT, CIVIL DIV, 720 NINTH ST, RM 102, SACRAMENTO CA 95814	2/1/2008
	S	PRISON LAW OFFICE, GENERAL DELIVERY, SAN QUENTIN CA 94964-0001	2/4/2008
	S	US DISTRICT COURT, 501 I ST, STE 4-401, SACRAMENTO CA 95814	2/5/2008
	TRUST W/ORDER	US DISTRICT COURT, NORTHERN DISTRICT OF CA, 450 GOLDEN GATE AVE, SAN FRANCISCO CA 94	3/21/2008
1 OF 2	TRUST W/ORDER	ATTORNEY GENERAL'S OFFICE, POB 944255, SACRAMENTO CA 94244-2550	3/28/2008
2 OF 2	TRUST W/ORDER	SUPERIOR COURT, LEGAL PROCESS DESK, 720 NINTH ST, RM 102, SACRAMENTO CA 95814-1380	3/28/2008
	TRUST W/ORDER	ATTORNEY GENERAL'S OFFICE, 455 GOLDEN GATE AVE, STE 11000, SAN FRANCISCO CA 94102	4/3/2008
	S	US DISTRICT COURT, NORTHERN DISTRICT OF CA, 450 GOLDEN GATE AVE, SAN FRANCISCO CA 94	4/9/2008
	TRUST W/ORDER	SUPERIOR COURT, 720 9TH ST, RM 102, SACRAMENTO CA 95814-1380	4/9/2008
	TRUST W/ORDER	SUPERIOR COURT, 720 9TH ST, RM 102, SACRAMENTO CA 95814-1380	4/14/2008

Post Office Box 950
Folsom, California
95763



CLERK OF THE COURT
U.S. DISTRICT COURT
450 GOLDEN GATE BLVD
SAN FRANCISCO, CA

CONFIDENTIAL/LEGAL UNIT
Robert E. Gohm

94102

08.1602JF

REPORT ID: TS3030 .701

REPORT DATE: 04/07/08

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON FOLSOM
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU APR. 07, 2008

ACCOUNT NUMBER : J79986
ACCOUNT NAME : GERKIN, ROBERT EUGENE
PRIVILEGE GROUP: A
BED/CELL NUMBER: B4SAT1000000014L
ACCOUNT TYPE: I
TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

CURRENT HOLDS IN EFFECT			
DATE PLACED	HOLD CODE	DESCRIPTION	HOLD AMOUNT
03/11/2008	H118	LEGAL COPIES HOLD	54.00
03/11/2008	H118	LEGAL COPIES HOLD	3.60
03/24/2008	H109	LEGAL POSTAGE HOLD	4.60
03/24/2008	H118	LEGAL COPIES HOLD	20.00
03/28/2008	H109	LEGAL POSTAGE HOLD	4.60
03/28/2008	H109	LEGAL POSTAGE HOLD	5.70
04/04/2008	H109	LEGAL POSTAGE HOLD	1.99
04/07/2008	H118	LEGAL COPIES HOLD	0.10

ATTORNEY GENERAL

TRUST ACCOUNT SUMMARY

TRUST ACCOUNT SUMMARY			
BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE
0.00	0.00	0.00	0.00
			94.59

TRANSACTIONS TO BE POSTED
0.00

CURRENT AVAILABLE BALANCE
94.59